

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last Revised December 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **2:17-bk-19467**

Judge _____

Mercado, Sandra

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **April 5, 2018**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: **EH**

Initial Debtor: **SM**

Initial Co-Debtor:

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ **355.00** per **month** to the Chapter 13 Trustee, starting on _____ for approximately **48** months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
 Description:
 Proposed date for completion: _____

☐ Refinance of real property
 Description:
 Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property
 Description:
 Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☐ NONE

- a. Adequate protection payments will be made in the amount of \$ 115.00 to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to Wells Fargo Dealer Services (creditor).
- b. Adequate protection payments will be made in the amount of \$ 2146.00 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to SLS (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Tomes & Hanratty P.C.	Administrative Expense	2,335.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: [X]NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
SLS	1st mortgage	2000	0	2000	2146.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

None

g. Secured Claims to Be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
None				

Part 7: Motions

~~Certificate of Notice~~ Page 5 of 9

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
None						

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 4/5/18

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
increase monthly payments & duration	increase monthly payment to \$355 for 48 months

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

- ☒ NONE
☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 4/5/2018 /s/ Edward Hanratty
Attorney for the Debtor

Date: 4/5/2018 /s/ Sandra Mercado
Debtor

Date: _____
Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 4/5/2018

/s/ Edward Hanratty
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 4/5/18

/s/ Sandra Mercado
Debtor

Date:

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Sandra Mercado
 Debtor

Case No. 17-19467-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 45

Date Rcvd: Apr 09, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 11, 2018.

db Sandra Mercado, 445 Fern Pl, Elizabeth, NJ 07202-2705
 cr +Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer S, 1451 Thomas Langston Rd.,
 Winterville, NC 28590-8872
 516875899 +Amerimark, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516814743 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982235, El Paso, TX 79998-2235)
 516814744 Brylane Home, PO Box 659728, San Antonio, TX 78265-9728
 516814745 Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 516814746 Chase, PO Box 15298, Wilmington, DE 19850-5298
 516814747 Comenity Bank, PO Box 182273, Columbus, OH 43218-2273
 516857440 +Deutsche Bank National Trust Co., Trustee(See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516814749 First Premiere Bank, PO Box 5524, Sioux Falls, SD 57117-5524
 516814751 Home Depot, PO Box 790328, Saint Louis, MO 63179-0328
 516872104 +National Collegiate Student Loan Trust 2007-3, PO Box 4275, Norcross, GA 30091-4275
 516814757 PayPal Credit, PO Box 105658, Atlanta, GA 30348-5658
 516814759 SLS, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129-2386
 516814758 Seventh Avenue, 112 W 7th St, Monroe, WI 53566-1099
 516814760 Stoneberry, PO Box 2820, Monroe, WI 53566-8020
 516814761 Synchrony Bank, PO Box 105972, Atlanta, GA 30348-5972
 516814762 Target, PO Box 660170, Dallas, TX 75266-0170
 516895539 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Se, P.O. BOX 19657, IRVINE, CA 92623-9657
 516814765 Wells Fargo Dealer Services, PO Box 168048, Irving, TX 75016-8048

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 09 2018 23:27:34 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516814742 E-mail/PDF: gecsedirecoverycorp.com Apr 09 2018 23:23:41 Amazon, PO Box 960013,
 Orlando, FL 32896-0013
 517067046 +E-mail/Text: bncmail@w-legal.com Apr 09 2018 23:27:52 Comenity Capital Bank/Paypal Credit,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 516895266 +E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Country Door,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516814748 E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Direct Charge, 1112 7th Ave,
 Monroe, WI 53566-1364
 516895268 +E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Direct Charge,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516814750 E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Ginny's, 1112 7th Ave,
 Monroe, WI 53566-1364
 516895269 +E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Ginny's,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516928866 E-mail/Text: bkr@cardworks.com Apr 09 2018 23:26:42 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 516814752 E-mail/Text: bkr@cardworks.com Apr 09 2018 23:26:42 Merrick Bank, PO Box 9201,
 Old Bethpage, NY 11804-9001
 517045861 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 09 2018 23:27:34 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 516814753 E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Midnight Velvet,
 1112 7th Ave, Monroe, WI 53566-1364
 516895267 +E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Midnight Velvet,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516814754 E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Montgomery Ward,
 1112 7th Ave, Monroe, WI 53566-1364
 516895270 +E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Montgomery Ward,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516814755 E-mail/PDF: gecsedirecoverycorp.com Apr 09 2018 23:24:01 Old Navy, PO Box 530942,
 Atlanta, GA 30353-0942
 516814756 E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 One Step Ahead, PO Box 2866,
 Monroe, WI 53566-8066
 517068239 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 09 2018 23:23:28
 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.a., POB 41067,
 Norfolk VA 23541
 517068337 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 09 2018 23:23:47
 Portfolio Recovery Associates, LLC, c/o Rcs Direct Marketing/Household Bank, POB 41067,
 Norfolk VA 23541
 516908086 E-mail/Text: bnc-quantum@quantum3group.com Apr 09 2018 23:27:29
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 516895265 +E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Seventh Avenue,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516814763 E-mail/Text: bankruptcy@td.com Apr 09 2018 23:27:45 TD Bank, 1701 Marlton Pike E,
 Cherry Hill, NJ 08003-2390

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 45

Date Rcvd: Apr 09, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516875554 +E-mail/Text: bncmail@w-legal.com Apr 09 2018 23:27:52 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
516814764 E-mail/Text: bankruptcy@sccompanies.com Apr 09 2018 23:28:57 Through the Country Door,
1112 7th Ave, Monroe, WI 53566-1364

TOTAL: 25

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517065864* +Deutsche Bank National Trust Co. Trustee (See 410), c/o Specialized Loan Servicing LLC,
8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 11, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 6, 2018 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for
Morgan Stanley ABS Capital I Inc. Trust 2006- HE3 Mortgage Pass-Through Certificates, Series
2006-HE3 bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
Edward Hanratty on behalf of Debtor Sandra Mercado thanratty@tomeslawfirm.com,
ftomes@tomeslawfirm.com;G17018@notify.cincompass.com;abby@tomeslawfirm.com
John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer
Services ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
Marie-Ann Greenberg magecf@magtrustee.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5